

EXHIBIT A

ELECTRONICALLY FILED
COURT OF COMMON PLEAS
Monday, January 14, 2019 2:48:00 PM
CASE NUMBER: 2019 CV 00208 Docket ID: 33002439
MIKE FOLEY
CLERK OF COURTS MONTGOMERY COUNTY OHIO

IN THE COURT OF COMMON PLEAS
MONTGOMERY COUNTY, OHIO

VALERIE S. BLANKENSHIP,)	CASE NO.: _____
Administrator of the Estate of Diana L.)	
Hatt, Deceased)	JUDGE: _____
3231 Mack Road)	
Fairfield OH 45014)	COMPLAINT
)	
Plaintiff,)	DECLARATORY JUDGMENT
)	
vs.)	JURY DEMAND
)	
DOLLAR TREE STORES, INC.)	
c/o Corporation Service Company,)	
Statutory Agent)	
50 West Broad Street, Suite 1330)	
Columbus, OH 43215)	
)	
and)	
)	
JOHN DOE CORPORATION)	
Name and address unknown)	
)	
and)	
)	
OHIO DEPARTMENT OF MEDICAID)	
c/o Michael Dewine, Ohio Attorney)	
General)	
30 E. Broad Street, 14 th Floor)	
Columbus, OH 43215)	
)	
Defendants.)	

Now comes Plaintiff Valerie S. Blankenship, as Administrator of the Estate of Diana L. Hatt, deceased, by and through counsel, and states the following:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff Valerie S. Blankenship, is the duly appointed Administrator for the Estate of Diana L. Hatt, who died on March 4, 2017. A copy of the appointment is attached hereto as Plaintiff's Exhibit "A" and is incorporated herein by reference.

2. Defendant Dollar Tree Stores, Inc. is a Virginia corporation and/or other business entity that is licensed to do business in the State of Ohio.

3. Defendant Dollar Tree Stores, Inc. and/or Defendant John Doe Corporation owned and/or operated and/or maintained a store and/or business located at 6495 Brandt Pike, Huber Heights, Montgomery County, Ohio.

4. To the best of Plaintiff's knowledge, it is believed that the above mentioned property and/or building and/or store and/or business is owned and operated by Defendant Dollar Tree Stores, Inc., but Defendant John Doe Corporation has been named as a defendant in the event that the actual name of the owner and/or operator of this property and/or store is different from Defendant Dollar Tree Stores, Inc. The name of Defendant John Doe Corporation is unknown. This Defendant will in no way be prejudiced in the maintenance of its defense on the merits within the meaning of Rule 15(D) of the Ohio Rules of Civil Procedure because of its constructive and/or actual notice of the institution of this case. Except for the inability of Plaintiff to discover the name of Defendant John Doe Corporation, this action would be brought against it in its proper, true, and exact name and capacity, and said information will be provided by Plaintiff, if necessary, when such information becomes fully known to Plaintiff.

5. Hereinafter, Defendants Dollar Tree Stores, Inc. and John Doe Corporation shall be collectively referred to as "Defendant Dollar Tree."

6. At all times relevant herein, Defendant Ohio Department of Medicaid (hereinafter referred to as "Defendant Ohio Medicaid") is a political entity and/or a political subdivision that is organized under the laws of Ohio and has its principal place of business located in Columbus, Franklin County, Ohio.

7. Jurisdiction is proper in this Court because the events leading to the causes of action in this matter took place in Ohio and Plaintiff and at least one of the Defendants are Ohio residents.

8. Venue is proper in Montgomery County, Ohio because the events leading up to Plaintiff's claims took place in Montgomery County, Ohio.

FIRST CLAIM: SURVIVORSHIP CLAIM

9. Plaintiff reavers and realleges each and every allegation contained in the preceding paragraphs as if fully rewritten herein.

10. At all times relevant herein, Defendant Dollar Tree owned and/or operated and/or maintained the property and/or store and/or business located at 6495 Brandt Pike, Huber Heights, Montgomery County, Ohio.

11. Before January 29, 2017, Defendant Dollar Tree knew or should have known that one of the doors to the interior entrance of the above mentioned store was defective and/or was not working correctly and/or was otherwise having problems that prevented customers from opening it safely in order to enter the store.

12. On or about January 29, 2017, Diana L. Hatt went to the above mentioned store of Defendant Dollar Tree to shop.

13. Diana L. Hatt attempted to enter Defendant Dollar Tree's store through the front interior door when it stuck and/or would not open safely and properly, causing Diana to lose her balance, fall backward and down, and strike her head.

14. Diana L. Hatt suffered a traumatic brain injury (subarachnoid hemorrhage, subdural hematoma, etc.) as a result of the fall and hitting her head and she ultimately died from her injuries on March 4, 2017.

15. Diana L. Hatt was a business invitee of Defendant Dollar Tree at the time of the incident.

16. Defendant Dollar Tree owed Diana L. Hatt various duties of care as a business invitee/customer at its store.

17. Defendant Dollar Tree breached the duties of care it owed Diana L. Hatt by negligently failing to maintain the door in a reasonably safe condition; negligently failing to warn her of the hidden/latent danger of the door sticking and being unsafe; and other negligent acts and/or omissions.

18. As a direct and proximate result of the negligence of Defendant Dollar Tree described above, Diana L. Hatt suffered injuries; incurred medical expenses; experienced conscious pain and suffering; suffered a loss of ability to do her usual activities; and suffered other losses and damages from the time of the negligence until the time of her death.

SECOND CLAIM: WRONGFUL DEATH CLAIM

19. Plaintiff reavers and realleges each and every allegation contained in the preceding paragraphs as if fully rewritten herein.

20. As a direct and proximate result of the negligence of Defendant Dollar Tree described above, Diana L. Hatt suffered injuries that led to her premature death on March 4, 2017.

21. As a further direct and proximate result of the negligence of Defendant Dollar Tree, Diana L. Hatt's next of kin, incurred funeral and burial expenses, suffered a loss of the society of the decedent, and other losses, harms and damages, both economic and non-economic.

THIRD CLAIM: DECLARATORY JUDGMENT CLAIM

22. Plaintiff reavers and realleges each and every allegation contained in the preceding paragraphs as if fully rewritten herein.

23. Defendant Ohio Medicaid paid out money to medical providers of Diana L. Hatt for medical treatment she needed after this incident pursuant to a plan and/or program that provides her with health insurance.

24. There is a controversy between Plaintiff Valerie S. Blankenship, as the administrator of the Estate of Diana L. Hatt, deceased, and Defendant Ohio Medicaid that needs to be decided by the Court concerning whether Defendant Ohio Medicaid is entitled to enforce any subrogation right and/or right to reimbursement it has and recover any of the money it paid out on behalf of Diana L. Hatt from the recovery her estate makes from Defendant Dollar Tree for its negligent and tortious conduct discussed above.

WHEREFORE, Plaintiff demands judgment against Defendant Dollar Tree, on all claims for damages in an amount that exceeds \$25,000, reasonable attorney fees, the costs of this action, and all other relief to which it is entitled under Ohio law.

WHEREFORE, Plaintiff demands that the Court issue an order declaring the rights and obligations of Plaintiff and Defendant Ohio Medicaid in regard to the enforcement of any subrogation interest or right to reimbursement related to payments made by Defendant Ohio Medicaid on behalf of Diana L. Hatt and Plaintiff seeks any other relief to which it is entitled under Ohio law.

Respectfully submitted,

/s/ R. Craig McLaughlin

R. Craig McLaughlin (0068765)
Elk & Elk Co., Ltd.
6105 Parkland Blvd., Suite 200
Mayfield Heights, OH 44124
Phone: (440) 442-6677
Facsimile: (440) 442-7944
E-mail: rmclaughlin@elkandelk.com
Attorney for Plaintiff

JURY DEMAND

Plaintiff demands a trial by jury.

/s/ R. Craig McLaughlin

R. Craig McLaughlin (0068765)

ELECTRONICALLY FILED
 COURT OF COMMON PLEAS
 Monday, January 14, 2019 2:48:00 PM
 CASE NUMBER: 2019 CV 00208 Docket ID: 33002441
 MIKE FOLEY
 CLERK OF COURTS MONTGOMERY COUNTY OHIO

**MONTGOMERY COMMON PLEAS COURT / GENERAL DIVISION
 CIVIL CASE INFORMATION**

This document has been automatically generated by the Electronic Filing System

PARTICIPANT NAME	TYPE	ATTORNEY FOR PARTY
VALERIE S. BLANKENSHIP, EXECUTRIX	MAIN PLAINTIFF	MCLAUGHLIN
DOLLAR TREE STORES INC.	MAIN DEFENDANT	

CATEGORY	VALUE
CASE TYPE	Civil
JURY DEMAND	Yes
PRAYER AMOUNT	25000
ACTION TYPE	PERSONAL INJURY
TYPE OF RESOLUTION	
PARCEL NUMBER (MORTGAGE FORECLOSURE ONLY)	

REFILING INFORMATION

CASE NUMBER	JUDGE	MAIN PLAINTIFF	MAIN DEFENDANT

SUITS INVOLVING LIKE ISSUES AND SIMILAR PARTIES

CASE NUMBER	JUDGE	MAIN PLAINTIFF	MAIN DEFENDANT

The Filer submitted this information and the document was generated.

Filer: Robert Craig McLaughlin

ELECTRONICALLY FILED
COURT OF COMMON PLEAS
Monday, January 14, 2019 2:48:00 PM
CASE NUMBER: 2019 CV 00208 Docket ID: 33002442
MIKE FOLEY
CLERK OF COURTS MONTGOMERY COUNTY OHIO

MIKE FOLEY
MONTGOMERY COUNTY CLERK OF COURTS
41 N. PERRY STREET, DAYTON, OHIO 45422

INSTRUCTIONS FOR SERVICE

VALERIE S. BLANKENSHIP, EXECUTRIX
PLAINTIFF/PETITIONER

DOLLAR TREE STORES INC.
DEFENDANT/RESPONDENT

PLEASE ISSUE SERVICE TO: (Name and Address)

DOLLAR TREE STORES INC.
CO CORP. SERVICE CO. SA
50 WEST BROAD STREET
SUITE 1330
COLUMBUS, OH 43215

OHIO DEPARTMENT OF MEDICAID
CO MICHAEL DEWINE OHIO AG
30 E. BROAD STREET
14TH FLOOR
COLUMBUS, OH 43215

VIA: Service by Clerk

SERVICE PROVIDER:

TO BE SERVED (List all Documents to be Served)

Complaint FOR DECLARATORY JUDGMENT WITH JURY DEMAND

Electronically Requested by: Robert Craig McLaughlin

**IN THE COURT OF COMMON PLEAS, MONTGOMERY COUNTY OHIO
CIVIL DIVISION**

SUMMONS

PLAINTIFF

VALERIE S. BLANKENSHIP EXECUTRIX

VS

DEFENDANT

DOLLAR TREE STORES INC. et al

CASE NUMBER

2019 CV 00208

ARTICLE NUMBER

784966885870

TO THE FOLLOWING NAMED DEFENDANT:

DOLLAR TREE STORES INC.
CO CORP. SERVICE CO. SA
50 WEST BROAD STREET
COLUMBUS OH 43215

You have been named a Defendant or Respondent in a complaint filed in Montgomery County Court of Common Pleas, Dayton, Ohio. **A copy of the Complaint is attached.**

BY:

VALERIE S. BLANKENSHIP
3231 MACK ROAD
FAIRFIELD, OH 45014

PLAINTIFF ATTORNEY:

R CRAIG MCLAUGHLIN
6105 PARKLAND BLVD
CLEVELAND, OH 44124

You are hereby summoned and required to serve upon the Plaintiff's attorney, or upon the Plaintiff, if the Plaintiff does not have an attorney, a copy of an **Answer to the Complaint** within **28 days after receipt of this summons, exclusive of the day you received the summons.** Your original **Answer** must be filed with the Clerk of Court's Office **within 3 days** after you serve the Plaintiff's attorney or Plaintiff.

If you fail to appear and defend, Judgment by Default may be rendered against you granting Plaintiff(s) the relief demanded in the Complaint.

NOTE:

If you are represented by an attorney, your attorney is required to electronically file your Answer through the Court's authorized electronic filing system. See Montgomery County Common Pleas Court Loc. R. 1.15, Electronic Filing of Court Documents, for requirements of electronic filing. Local rules can be accessed at www.montcourt.org. Service of the Answer will be made upon the Plaintiff's attorney through the Court's authorized electronic filing system. If the Plaintiff does not have an attorney, your attorney is required to serve a paper copy of your Answer to the Plaintiff.

If you are representing yourself (appearing pro se), you have the option to file your Answer in paper OR through the Court's authorized electronic filing system (See Loc. R. 1.15, Electronic Filing of Court Documents). Local rules can be accessed at www.montcourt.org. If you file your Answer in paper, you are required to serve a paper copy of your Answer to the Plaintiff's Attorney or the Plaintiff. If you file your Answer electronically, service of the Answer will be made upon the Plaintiff's attorney through the Court's authorized electronic filing system. If the Plaintiff does not have an attorney, you are required to serve a paper copy of your Answer to the Plaintiff.



/s/ MIKE FOLEY, ISSUED Monday, January 14, 2019

MIKE FOLEY, CLERK

COURT OF COMMON PLEAS

MONTGOMERY COUNTY, OHIO

PREPARED ELECTRONICALLY

In The Court Of Common Pleas, Montgomery County Ohio
Civil Division

RETURN OF SERVICE SUMMONS

PLAINTIFF

VALERIE S. BLANKENSHIP EXECUTRIX

VS

DEFENDANT

DOLLAR TREE STORES INC. et al

CASE NUMBER

2019 CV 00208

ARTICLE NUMBER

784966885870

TO THE FOLLOWING NAMED PARTY:

DOLLAR TREE STORES INC.

CO CORP. SERVICE CO. SA

50 WEST BROAD STREET

COLUMBUS, OH 43215

RETURN OF SERVICE(PERSONAL)

FEES

SERVICE \$ _____
MILEAGE _____
TOTAL \$ _____
DATE _____

I received the document on _____, 2019, at ____ o'clock ____ M. and made personal service of it upon _____ by locating him/them and tendering a copy of the document and accompanying documents, on _____, 2019.
By _____

RETURN OF SERVICE(RESIDENCE)

FEES

SERVICE \$ _____
MILEAGE _____
TOTAL \$ _____
DATE _____

I received the document on _____, 2019, at ____ o'clock ____ M. and made residence service of it upon _____ by leaving, at his/their usual place of residence with _____ a person of suitable age and discretion then residing therein a copy of the complaint and accompanying documents, on _____, 2019.
By _____

RETURN OF SERVICE(FAILURE OF SERVICE)

FEES

SERVICE \$ _____
MILEAGE _____
TOTAL \$ _____
DATE _____

I received the document on _____, 2019, at ____ o'clock ____ M. with instructions to make personal/residence service upon _____ and I was unable to serve a copy documents upon him/them for the following reasons:

By _____

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**IN THE COURT OF COMMON PLEAS, MONTGOMERY COUNTY OHIO
CIVIL DIVISION**

SUMMONS

PLAINTIFF

VALERIE S. BLANKENSHIP EXECUTRIX

VS

DEFENDANT

DOLLAR TREE STORES INC. et al

CASE NUMBER

2019 CV 00208

ARTICLE NUMBER

784966887004

TO THE FOLLOWING NAMED DEFENDANT:

OHIO DEPARTMENT OF MEDICAID
CO MICHAEL DEWINE OHIO AG
30 E. BROAD STREET
COLUMBUS OH 43215

You have been named a Defendant or Respondent in a complaint filed in Montgomery County Court of Common Pleas, Dayton, Ohio. **A copy of the Complaint is attached.**

BY:

VALERIE S. BLANKENSHIP
3231 MACK ROAD
FAIRFIELD, OH 45014

PLAINTIFF ATTORNEY:

R CRAIG MCLAUGHLIN
6105 PARKLAND BLVD
CLEVELAND, OH 44124

You are hereby summoned and required to serve upon the Plaintiff's attorney, or upon the Plaintiff, if the Plaintiff does not have an attorney, a copy of an **Answer to the Complaint** within **28 days after receipt of this summons, exclusive of the day you received the summons**. Your original **Answer** must be filed with the Clerk of Court's Office **within 3 days** after you serve the Plaintiff's attorney or Plaintiff.

If you fail to appear and defend, Judgment by Default may be rendered against you granting Plaintiff(s) the relief demanded in the Complaint.

NOTE:

If you are represented by an attorney, your attorney is required to electronically file your Answer through the Court's authorized electronic filing system. See Montgomery County Common Pleas Court Loc. R. 1.15, Electronic Filing of Court Documents, for requirements of electronic filing. Local rules can be accessed at www.montcourt.org. Service of the Answer will be made upon the Plaintiff's attorney through the Court's authorized electronic filing system. If the Plaintiff does not have an attorney, your attorney is required to serve a paper copy of your Answer to the Plaintiff.

If you are representing yourself (appearing pro se), you have the option to file your Answer in paper OR through the Court's authorized electronic filing system (See Loc. R. 1.15, Electronic Filing of Court Documents). Local rules can be accessed at www.montcourt.org. If you file your Answer in paper, you are required to serve a paper copy of your Answer to the Plaintiff's Attorney or the Plaintiff. If you file your Answer electronically, service of the Answer will be made upon the Plaintiff's attorney through the Court's authorized electronic filing system. If the Plaintiff does not have an attorney, you are required to serve a paper copy of your Answer to the Plaintiff.



/s/ MIKE FOLEY, ISSUED Monday, January 14, 2019

MIKE FOLEY, CLERK

**COURT OF COMMON PLEAS
MONTGOMERY COUNTY, OHIO**

PREPARED ELECTRONICALLY

In The Court Of Common Pleas, Montgomery County Ohio
Civil Division

RETURN OF SERVICE SUMMONS

PLAINTIFF

VALERIE S. BLANKENSHIP EXECUTRIX

VS

DEFENDANT

DOLLAR TREE STORES INC. et al

CASE NUMBER

2019 CV 00208

ARTICLE NUMBER

784966887004

TO THE FOLLOWING NAMED PARTY:

OHIO DEPARTMENT OF MEDICAID

CO MICHAEL DEWINE OHIO AG

30 E. BROAD STREET

COLUMBUS, OH 43215

RETURN OF SERVICE(PERSONAL)

FEES

SERVICE \$ _____
MILEAGE _____
TOTAL \$ _____
DATE _____

I received the document on _____, 2019, at ____ o'clock ____ M. and made personal service of it upon _____ by locating him/them and tendering a copy of the document and accompanying documents, on _____, 2019.
By _____

RETURN OF SERVICE(RESIDENCE)

FEES

SERVICE \$ _____
MILEAGE _____
TOTAL \$ _____
DATE _____

I received the document on _____, 2019, at ____ o'clock ____ M. and made residence service of it upon _____ by leaving, at his/their usual place of residence with _____ a person of suitable age and discretion then residing therein a copy of the complaint and accompanying documents, on _____, 2019.
By _____

RETURN OF SERVICE(FAILURE OF SERVICE)

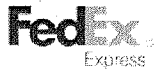
FEES

SERVICE \$ _____
MILEAGE _____
TOTAL \$ _____
DATE _____

I received the document on _____, 2019, at ____ o'clock ____ M. with instructions to make personal/residence service upon _____ and I was unable to serve a copy documents upon him/them for the following reasons:

By _____

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FedEx Express
Customer Support Trace
3875 Airways Boulevard
Module H, 4th Floor
Memphis, TN 38116

U.S. Mail: PO Box 727
Memphis, TN 38194-4643

Telephone: 901-369-3600

ELECTRONICALLY FILED
COURT OF COMMON PLEAS
THURSDAY, JANUARY 17, 2019 06:48:11 AM
CASE NUMBER: 2019 CV 00208 Docket ID: 33013201
MIKE FOLEY
CLERK OF COURTS MONTGOMERY COUNTY OHIO

January 17, 2019

Dear Customer:

The following is the proof-of-delivery for tracking number **784966885870**.

Delivery Information:

Status:	Delivered	Delivered to:	Receptionist/Front Desk
Signed for by:	D.S	Delivery location:	50 W BROAD ST 1330
Service type:	FedEx Express Saver	Delivery date:	COLUMBUS, OH 43215 Jan 16, 2019 09:35



Shipping Information:

Tracking number:	784966885870	Ship date:	Jan 15, 2019
		Weight:	0.5 lbs/0.2 kg

Recipient:
DOLLAR TREE STORES INC.
CO CORP. SERVICE CO. SA
50 WEST BROAD STREET SUITE 1330
COLUMBUS, OH 43215 US

Shipper:
MIKE FOLEY
CLERK OF COURTS
41 N PERRY ST
ROOM 104
DAYTON, OH 45422 US

Reference 2019 CV 00208

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Module H, 4th Floor
Memphis, TN 38116

U.S. Mail: PO Box 727
Memphis, TN 38194-4643

Telephone: 901-369-3600

ELECTRONICALLY FILED
COURT OF COMMON PLEAS
THURSDAY, JANUARY 17, 2019 06:48:12 AM
CASE NUMBER: 2019 CV 00208 Docket ID: 33013202
MIKE FOLEY
CLERK OF COURTS MONTGOMERY COUNTY OHIO

January 17, 2019

Dear Customer:

The following is the proof-of-delivery for tracking number

784966887004.

Delivery Information:

Status:	Delivered	Delivered to:	Receptionist/Front Desk
Signed for by:	C. EDGINGTON	Delivery location:	30 E BROAD ST 15
Service type:	FedEx Express Saver	Delivery date:	COLUMBUS, OH 43215 Jan 16, 2019 10:50

Shipping Information:

Tracking number:	784966887004	Ship date:	Jan 15, 2019
		Weight:	0.5 lbs/0.2 kg

Recipient:
OHIO DEPARTMENT OF MEDICAID
CO MICHAEL DEWINE OHIO AG
30 E. BROAD STREET 14TH FLOOR
COLUMBUS, OH 43215 US

Shipper:
MIKE FOLEY
CLERK OF COURTS
41 N PERRY ST
ROOM 104
DAYTON, OH 45422 US

Reference

2019 CV 00208

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ELECTRONICALLY FILED
COURT OF COMMON PLEAS
Wednesday, February 6, 2019 9:13:58 AM
CASE NUMBER: 2019 CV 00208 Docket ID: 33079619
MIKE FOLEY
CLERK OF COURTS MONTGOMERY COUNTY OHIO

IN THE COURT OF COMMON PLEAS
MONTGOMERY COUNTY, OHIO

VALERIE S. BLANKENSHIP,
ADMINISTRATOR OF THE ESTATE OF
DIANA L. HATT, DECEASED,

Plaintiff,

vs.

DOLLAR TREE STORES, INC., ET AL.

Defendants.

CASE NO. 2019 CV 00208

JUDGE GREGORY F. SINGER

NOTICE OF APPEARANCE
OF COUNSEL

The Court and parties hereto will take notice that Christopher E. Cotter and Laura E. Salzman of Roetzel & Andress, LPA, hereby enter their appearance as counsel of record for Defendant, Dollar Tree Stores, Inc., in the above-captioned matter.

It is respectfully requested that service of all further pleadings, notices, filings, papers, etc. be made upon the undersigned as counsel of record for said Defendant.

Respectfully submitted,

/s/ Christopher E. Cotter

Christopher E. Cotter (84021)

ccotter@ralaw.com

Roetzel & Andress, LPA

222 South Main Street

Akron, OH 44308

Direct: 330.849.6756

Telephone: 330.376.2700

Fax: 330.376.4577

Laura E. Salzman (95304)

lsalzman@ralaw.com

Roetzel & Andress, LPA

250 East Fifth Street, Suite 310

Cincinnati, OH 45202

Telephone: 513.361.0200

Fax: 513.361.0335

ATTORNEYS FOR DEFENDANT
DOLLAR TREE STORES, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 5, 2019, a true and accurate copy of the foregoing has been filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system:

R. Craig McLaughlin
Elk & Elk Co., Ltd.
6105 Parkland Blvd., Suite 200
Mayfield Heights, OH 44124
Phone: (440) 442-6677
Fax: (440) 442-7944
Email: rmclaughlin@elkandelk.com

Ohio Department of Medicaid
c/o Michael Dewine
Ohio Attorney General
30 E. Broad Street, 14th Floor
Columbus, OH 43215
DEFENDANT

ATTORNEY FOR PLAINTIFF
VALERIE S. BLANKENSHIP, Administrator
of the Estate of Diana L. Hatt, deceased

/s/ Christopher E. Cotter
Attorney for Defendant Dollar Tree Stores, Inc.